

Patent Docket P1053R1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Brian M. Fendly Serial No.: 09/705,579 Filed: November 2, 2000 For: ANTI-ErbB2 ANTIBODIES	Group Art Unit: 1642 Examiner: Jennifer Hunt Certificate of Facsimile Transmission Under 37 CFR § 1.8 In accordance with CFR § 1.8(d), this correspondence addressed to The Patent and Trademark Office, Washington, DC 20231 is being transmitted to facsimile No. (703) 305-3014. August 1, 2002 Wendy M. Lee
--	--

#6/B
JW
8/1/02

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This amendment is responsive to the restriction requirement mailed 2/15/02. A request for a 3 month extension of time and the requisite fee accompany this amendment.

IN THE CLAIMS:

Please amend the pending claims as indicated below. Unamended pending claims are rewritten below and identified as "(Reiterated)".

Sub C1
B

42. (Amended) A method of treating a tumor or cancer characterized by overexpression or activation of ErbB2 comprising administering an anti-ErbB2 antibody and a chemotherapeutic agent or growth inhibitory agent to a patient in amounts [effective] to kill or inhibit growth of tumor cells in the patient, wherein the tumor or cancer is selected from the group consisting of a liver tumor, colorectal tumor, prostate tumor, pancreatic tumor, vulval tumor, thyroid tumor, hepatic tumor, sarcoma, glioblastoma, head and neck tumor, leukemia and lymphoid malignancy.

43. (Reiterated) The method of claim 42 wherein the tumor or cancer is a liver tumor.

44. (Reiterated) The method of claim 42 wherein the tumor or cancer is a colorectal tumor.

45. (Reiterated) The method of claim 42 wherein the tumor or cancer is a prostate tumor.